

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAVELL FOX,

Plaintiff,

-against-

SUPERINTENDENT LEE; et al.,

Defendants.

**STIPULATION AND
ORDER ON PLAINTIFF'S
REQUEST FOR PI/TRO
RELIEF**

15-CV-0390

TJM/CFH

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, the attorneys for plaintiff and defendants, parties to the above entitled-action, that, on the following terms and conditions, which it is agreed are of and shall have no legal precedential value in any other case either between the parties to this case or any other parties:

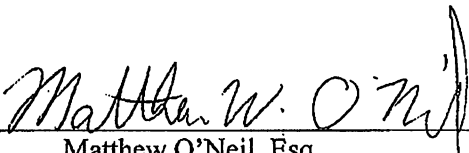
1. Plaintiff shall be allowed to maintain his current hairstyle pending the outcome of the litigation in the above captioned matter.
2. Defendants do not relinquish any rights or defenses, and do not concede that the plaintiff's hairstyle is based upon a sincerely held belief of a religious nature. Defendants reserve any and all rights to litigate the issues concerning plaintiff's hairstyle through motions or trials, which may occur within the litigation of the above captioned matter.
3. The parties agree that no provision of this stipulation shall be interpreted to be an acknowledgment of the validity of any of the allegations or claims that have been made in the action, defendants make no admission of wrongdoing by entering into this stipulation and, further, defendants affirmatively deny any wrongdoing.

4. The plaintiff acknowledges that by affirmatively electing to maintain his current hairstyle pending the outcome of the litigation in the above captioned matter, he may become the subject of unwanted attention by other inmates that may create security or safety concerns to the plaintiff due to other inmates' perception of plaintiff's status arising out of the present stipulation.

5. Following the execution of this stipulation, and its being ordered by the Court, the plaintiff will be permitted to maintain his current hairstyle pending the outcome of the litigation in the above captioned matter as of the date that this stipulation is "So Ordered" by the Court up and until the conclusion of the matter through motions or trial.

6. The foregoing constitutes the entire agreement between the parties.

Dated: Albany, New York
May 3, 2017


Matthew O'Neil, Esq.
Pro Bono Counsel for Javell Fox on the
Preliminary Injunction/TRO application
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Dated: Albany, New York
May 3, 2017

s/ Kevin Bruen
Kevin Bruen, Esq.
Deputy Commissioner and Counsel for DOCCS
The Harriman State Campus, Building 2
1220 Washington Ave.
Albany, NY 12226


Dated: Albany, New York
May 3, 2017

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s/ Maria Lisi-Murray
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Dated: Albany, New York
May 3, 2017

SO ORDERED:


HON. THOMAS J. MCAVOY
UNITED STATES DISTRICT COURT JUDGE